

**Remarks/Arguments:**

**Preliminary Matters**

Claims 1-6 and 9-27 are presently pending. Claims 1, 2, 15-19 and 23-27 have been amended. Support for those amendments may be found, for example, on page 5, lines 9-12 and page 7, line 28 to page 8, line 17 in the originally filed specification. Applicants contend that no new matter has been added.

**Claim Rejection Under 35 U.S.C. 112:**

Claim 27 stands rejected as being indefinite. Applicants have amended claim 27 to remove the repetitive phrase identified by the Examiner. This rejection should now be moot in view of Applicants' amendment to claim 27.

**Claim Rejection Under 35 U.S.C. 102(b):**

Claims 1, 4, 18 and 20-22 stand rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 6,308,102 to Sieracki. Applicants respectfully submit that these claims are allowable over Sieracki for at least the reasons set forth below.

Independent claim 1 recites features that are neither disclosed nor suggested by Sieracki, namely:

a user interface device including a selectable array of independent input zones, each input zone corresponding to a respective **independent** stimulator element, thereby permitting a user **to relate** each input zone of the interface device to the respective **independent** stimulator element, wherein the apparatus is operable in a mode in which the activation zone configuration of the array of stimulator elements is selected independently of the user and the user uses the interface device to identify the activation configuration as perceived by the user by selecting respective independent input zones of said user interface device.

Sieracki does not disclose, teach, or suggest an apparatus for stimulation of the human body that includes a user interface device "permitting a user **to relate** each input zone of the interface device to the respective **independent** stimulator element." Instead, as shown in FIGS. 7A and 7B of Sieracki, an image of a whole body is illustrated on a screen of a user interface device. Sieracki discloses on column 13, line 67 to column 14, line 24 and column 16,

lines 61-65 that in response to a stimulus, a user draws on the image to indicate where sensation was felt on the body. In Sieracki, the input zones of the image are not independent of each other, but rather considered as a whole such that when sensation is perceived, a user subjectively indicates an entire body part where a sensation was felt. The particular body part is not indicative of the stimulator elements that are perceived by the user to be stimulated. In other words, the image of Sieracki does not correspond to independent stimulator elements of an array of stimulator elements. As background, FIG. 1 of the instant application depicts the input zones of the interface device being independent of each other and corresponding to the activation zone array of independent stimulator elements, thereby allowing the user to relate interface zones of the interface device to the array of independent stimulator elements.

Because independent claim 1 recites features that are neither disclosed nor suggested by Sieracki, Applicants contend that claim 1 is allowable over Sieracki and respectfully request withdrawal of the rejection of claim 1. Claims 4, 18, and 20-22 depend from claim 1 and should also be allowable at least as dependent upon an allowable base claim. Reconsideration of claims 1, 4, 18 and 20-22 is respectfully requested.

**Claim Rejection Under 35 U.S.C. 103(a):**

Claims 1-6, 10, 11, 14-16 and 18-22 stand rejected under 35 U.S.C. 103(a) as being anticipated by US Pat. No. 6,393,217 to Mann in view of Sieracki. Applicants respectfully submit that these claims are presently allowable over Mann and Sieracki for at least the reasons set forth below.

Independent claim 1 recites at least one feature that is neither disclosed, taught, or suggested by Mann and Sieracki, namely, an apparatus for stimulation of the human body that includes "a user interface device ... permitting a user **to relate** each input zone of the interface device to the respective **independent** stimulator element."

The deficiencies of Sieracki have been described above. Mann discloses directional programming for implantable electrode arrays. Mann describes that the electrodes are visualized on a display and that a stimulation field is maneuvered to selected electrodes using a joystick to "steer" electrical stimulus up or down the spinal cord of a user. In FIG. 12G, Mann illustrates an image of a body in which a user indicates which section of the body sensation was felt, as opposed to the user indicating which stimulator elements are perceived to be

stimulated. The body image taught by Mann does not correspond to independent stimulator elements of an array of stimulator elements.

Therefore, like the Sieracki reference, Mann does not disclose, teach, or suggest an apparatus that includes a user interface device "permitting a user **to relate** each input zone of the interface device to the respective **independent** stimulator element." Accordingly, because claim 1 includes limitations that are neither disclosed nor suggested by Mann and Sieracki, *prima facie* obviousness cannot be established based on the cited references. For at least that reason, Applicants contend that claim 1 is allowable over Sieracki and Mann and respectfully request withdrawal of the rejection of claim 1. Claims 6, 10, 11, 14-16 and 18-22 depend from claim 1 and should also be allowable as being dependent upon an allowable base claim. Reconsideration of claims 1, 6, 10, 11, 14-16 and 18-22 is respectfully requested.

Claims 17, 23, 26 and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sieracki and in view of Brannon (US Pat. 6,193,678, hereafter referred to as Brannon). Applicants respectfully submit that these claims are presently allowable over Sieracki and Brannon for at least the reasons set forth below.

Claim 17 includes all of the features of claim 1 from which it depends. The deficiencies of Sieracki have been described above with regard to claim 1. Brannon does not overcome the deficiencies of Sieracki. Neither reference, considered either alone or in combination, disclose "a user interface device ... permitting a user **to relate** each input zone of the interface device to the respective **independent** stimulator element." Brannon's massaging system does not include any provisions to permit a user to relate an input zone of an interface device to a respective independent stimulator element. Accordingly, because claim 1 includes limitations that are neither disclosed nor suggested by Brannon and Sieracki, *prima facie* obviousness cannot be established based on the cited references. Accordingly, Applicants submit that claim 17 is also allowable for at least the reasons that claim 1 is allowable, and withdrawal of the rejection of claim 17 is respectfully requested.

Independent claim 23, while not identical to claim 1, recites features similar to claim 1, namely:

wherein the user interfaces with an interface device including a selectable array of independent interface zones, each interface zone corresponding to a respective one of the independent stimulator elements, thereby permitting a user **to relate**

each independent interface zone of the interface device to the respective **independent** stimulator element.

The arguments provided above with regard to claim 1 also apply to claim 23. Because Sieracki and Brannon, considered either alone or in any proposed combination, fail to disclose or suggest all the features of claim 23, Applicants contend that claim 23 is allowable and respectfully request withdrawal of the rejection of claim 23. Claim 26 depends from claim 23 and should also be allowable as being dependent upon an allowable base claim. Reconsideration of claims 23 and 26 is respectfully requested.

Independent claim 27, while not identical to claim 1, recites features similar to claim 1, namely "a user interface device permitting the user **to relate** each of a plurality of distinct interface zones of the interface device to a respective **independent** stimulator element." The arguments provided above with respect to claim 1 also apply to claim 27. Because Sieracki and Brannon, considered either alone or in any proposed combination, fail to disclose or suggest all the features of claim 27, Applicants contend that claim 27 is allowable and respectfully request withdrawal of the rejection of claim 27.

Claims 12 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mann and Sieracki as applied to claim 1, and in further view of Brannon. Applicants respectfully submit that these claims are presently allowable over Mann, Sieracki and Brannon for at least the reasons set forth below. Claims 12 and 13 depend from claim 1. As described above, Mann, Brannon and Sieracki, considered either alone or in any proposed combination, fail to disclose or suggest all the features of claim 1. Accordingly, Applicants submit that claims 12 and 13 are allowable, and withdrawal of the rejection of claims 12 and 13 is respectfully requested.

Claims 24 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sieracki and Brannon as applied to claim 23, and in further view of Mann. Applicants respectfully submit that these claims are presently allowable over Sieracki, Brannon and Mann for at least the reason set forth below. Claims 24 and 25 depend from claim 23. As described above, Sieracki and Brannon, considered either alone or in any proposed combination, fail to disclose or suggest all of the features of claim 23. Mann fails to overcome the deficiencies of Sieracki and Brannon. More particularly, in FIG. 12G, Mann illustrates an image of a body in

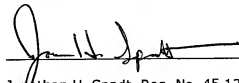
which a user indicates which section of the body sensation was felt, as opposed to the user indicating which stimulator elements are perceived to be stimulated. The body image taught by Mann does not correspond to independent stimulator elements of an array of stimulator elements.

Therefore, like the Sieracki reference, Mann does not disclose, teach, or suggest an apparatus that includes a user interface device "permitting a user **to relate** each independent interface zone of the interface device to the respective **independent** stimulator element," as recited in claim 23. Accordingly, because claims 24 and 25 include limitations that are neither disclosed nor suggested by Mann, Brannon and Sieracki, *prima facie* obviousness cannot be established based on the cited references. Applicants submit that claims 24 and 25 are allowable, and withdrawal of the rejection of claims 24 and 25 is respectfully requested.

**Conclusion**

In view of the above amendments and remarks, Applicants submit that this application is now in condition for allowance, which action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jonathan H. Spadt', is written over a horizontal line.

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